

A RESOLUTION finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$ 4,670,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant, Wilbert & Peggy Hamstra, to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Wilbert and Peggy Hamstra, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a shopping center office building and bank on a 12 acre site at the northeast intersection of St. Joseph Township, Allen County, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in approximately 233 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already

constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$4,670,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.


SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.



COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY.



JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by A. ten,
seconded by E. Burns, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 11-25-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by J. Schmidt
seconded by A. ten, and duly adopted, placed on its
passage. PASSED (~~LOSS~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>	_____	_____	_____
BURNS	<u>X</u>	_____	_____	_____	_____
EISBART	<u>X</u>	_____	_____	_____	_____
GiaQUINTA	<u>X</u>	_____	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____	_____
SCHOMBURG	<u>X</u>	_____	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 2-17-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~)
(~~APPROPRIATION~~) ORDINANCE (RESOLUTION) No. B-07-81
on the 17th day of January, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 18th day of February, 1981, at the hour of
11:00 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 19th day of Feb.
1981, at the hour of 3 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. R-80-11-04

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN

~~ORDINANCE~~ A RESOLUTION finding, determining and ratifying an
Inducement Resolution of the Fort Wayne Economic Development
Commission authorizing the issuance and sale of \$4,670,000.00
Economic Revenue Bonds, of the City of Fort Wayne, Indiana, for
the purpose of inducing the Applicant, Wilbert & Peggy Hamstra,
to proceed with the acquisition, construction and equipping
of the Project

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE ~~SHOULD BE~~ PASS. *Do*

VIVIAN G. SCHMIDT, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

MARK E. GIAQUINTA

PAUL M. BURNS

ROY J. SCHOMBURG

CONCURRED IN

DATE 2/17/81 CHARLES W. WESTERMAN, CITY CLERK

HOLD
[Signature]

BILL NO. R-80-11-04

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE A RESOLUTION finding, determining and ratifying an Inducement
Resolution of the Fort Wayne Economic Development Commission
authorizing the issuance and sale of \$4,670,000.00 Economic
Revenue Bonds of the City of Fort Wayne, Indiana, for the
purpose of inducing the Applicant, Wlbert & Peggy Hamstra, to
proceed with the acquisition, construction and equipping
of the Project

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE PASS.

JAMES S. STIER, CHAIRMAN

MARK GIAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

October 15, 1980

Mr. John Hoffman
Attorney at Law
1212 Anthony Wayne Bank Building
Fort Wayne, Indiana

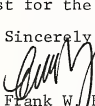
RE: Hamstra EDC Application

Dear John:

The application captioned above appears to be in order in a financial perspective. Because such a significant portion of the applicant's net worth is in farm real estate, the Commission should assure itself that commitments to buy the bonds are in fact in place.

The applicant does not indicate, in response to question #10a, that the proceeds will be used for land acquisition. Is this accurate? What agreements exist for the land in question?

Sincerely,



Frank W. Heyman
City Controller

Attachments
FWH/kme

Memorandum

To Economic Development Commission Date 10/16/80
From Kathy Moses, Senior Planner *KM*
Subject Hamstra E.D.C. Bond, \$4,670,000

COPIES TO:

This application for financing of a shopping center development required careful consideration of several issues:

HISTORY OF PROJECT

1. The project has a long history of controversy concerning the zoning of the property and the approval of a development plan. A lawsuit filed by area residents remonstrating against the preliminary development plan was resolved in favor of the neighborhood associations.
2. After the applicant refiled, the Allen County Plan Commission approved a preliminary development plan. The zoning is presently appropriate.
3. The public hearing for the final development plan was held, and no opposition to the project was presented. The Allen County Plan Commission may or may not vote on the final development plan at a meeting scheduled for October 22, 1980.

FORT WAYNE COMPREHENSIVE PLAN

1. The proposed development is contrary to the overall goal of the Fort Wayne Comprehensive Plan draft. That goal is to achieve balanced and timely growth that is supportive of existing development and of the City's economy. This project is not supportive of existing development.

The specific goal in the plan for the northeast section is to slow development so that it does not expand beyond the urban service area. The intent is to preserve existing development, but not to encourage growth. This project would speed development of this northeast sector.

2. This project will contribute to urban sprawl by adding to the existing problem of an unbalanced growth pattern. The project is not located within the Fort Wayne Corporate limits.

Memorandum

To _____ Date _____
From _____
Subject Continued, Page #2

COPIES TO:

3. (IC 18-6-4.5-16) The plan specifically states that development should take place where public facilities are available. All City public facilities including water, sewer and transportation are not immediately available for this project.
4. The project site is located within Diversified Utilities service area, therefore, the Fort Wayne City Utilities cannot provide service to the site. The nearest City Utilities sewer trunk line is at least a half mile from the site. City water mains are also located over 200 feet from the site.

OTHER FACTORS

1. Drainage for this development and resulting impacts on surrounding areas should be considered.
2. (IC 18-6-4.5-14) Possible adverse competitive effect on similar facilities already constructed and operating in the immediate vicinity should be determined. (See attached map.)

In conclusion, the proposed development would create 233 new jobs at a cost of \$20,043 per job which does support the Allen County Overall Economic Development Program goal to create jobs. However, there are several issues, as pointed out above, that should receive additional investigation. With ample time allowed, a detailed report can be prepared for the Commission's consideration.

RESOLUTION OF
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
ON APPLICATION OF
WILBERT AND PEGGY HAMSTRA

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by Indiana Code 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to the user or developer; and

WHEREAS, Wilbert and Peggy Hamstra, (the "Applicant"), has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a shopping center, office building and bank on a 12 acre site at the northeast intersection of St. Joseph and Maplecrest Roads, in St. Joseph Township, Allen County, Indiana.

(the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities to be achieved by the acquisition of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens or the citizens of Allen County, Indiana; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Allen County:

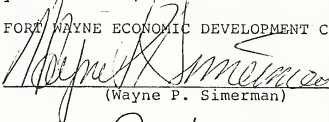
NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby finds and determines that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.
2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount of approximately \$4,670,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

4. All costs of the Project which may be financed under the Act will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes.

Adopted this 24th day of October , 1980.

FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION



(Wayne P. Simerman)



(Jack Gren)

(Louis R. Dinwiddie)



(Sidney R. Sheray)

(Donald B. Fisher)

REPORT OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION CONCERNING THE PROPOSED FINANCING
OF ECONOMIC DEVELOPMENT FACILITIES FOR
WILBERT AND PEGGY HAMSTRA

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 18-6-4.5-16.

Description of Proposed Facilities

A shopping center office building and bank on a 12 acre site at
the northeast intersection of Stelhorn and Maplecrest Roads
in St. Joseph Township, Allen County, Indiana.

Estimate of Public Services Required

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 4,670,000.00, including costs of issuance of the economic development revenue bonds.

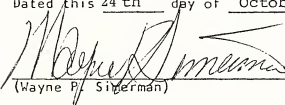
Number of Jobs and Estimated Payroll

It is anticipated there will be approximately 233 new jobs created by this project with an estimated payroll increase of approximately \$2,620,000.00 annually.


Adverse Competitive Effect


The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

Dated this 24th day of October, 1980.


(Wayne P. Siderman)


(Jack Bren)


(Louis R. Dinwiddie)


(Sidney R. Sheray)


(Donald Fisher)



Jack G. Suter • executive director • 219-423-7096
allen county plan commission • 630 city-county building • one main street • fort wayne, indiana • 46802

October 29, 1980

John E. Hoffman, Esq.
1212 Anthony Wayne Bank Bldg.
Fort Wayne, Indiana 46802

Dear John:

We have reviewed the Economic Development Commission's report for Wilbert and Peggy Hamstra, regarding a shopping center office building and bank on a 12 acre site at the northeast intersection of Stelhorn and Maplecrest Roads in St. Joseph Township, Allen County, Indiana.

The Allen County Plan Commission has approved a final development plan for Phase I of the development, which includes a grocery store, a drug store and other retail facilities totalling 84,400 square feet of floor area. The gross site size is 10.35 acres. We note that the proposed bank and office site is not included in the Phase I development plan.

The project is properly zoned for the proposed use and we would approve same upon meeting all requirements of the C-2(A) zoning district.

Cordially,

A handwritten signature in dark ink, appearing to read 'Jack G. Suter', is written over a horizontal line.

Jack G. Suter

JGS:LW

BARRETT, BARRETT & McNAGNY
LAWYERS

THIRD FLOOR LINCOLN BANK TOWER
POST OFFICE BOX 2263
FORT WAYNE, INDIANA
46801

JAMES M. BARRETT 1929
PHIL M. McNAGNY 1969
OTTO E. GRANT, JR. 1969
JAMES M. BARRETT, JR. 1979

TELEPHONE 423-9551
AREA CODE 219

MENTOR KRAUS
J. A. BRUGGEMAN
OF COUNSEL

November 21, 1980

WILLIAM F. McNAGNY
JAMES M. BARRETT III
J. MICHAEL O'HARA
MILES C. GERBERDING
PAUL S. STEIGMEYER
JOHN M. CLIFTON, JR.
DOUGLAS E. MILLER
ROBERT S. WALTERS
JOHN F. LYONS
N. THOMAS HORTON II
JAMES M. PRICKETT
WAYNE L. WITMER
WILLIAM L. SWEET, JR.
THOMAS M. FINK
GARY J. RICKNER
JOHN D. WALDA
JAMES KODAY
JAMES P. FENTON
JOHN P. MARTIN
ALAN VERPLANCK
DENNIS C. BECKER
PATRICK E. HOOG
CHARLES W. McNAGNY

Mr. John Hoffman
1212 Anthony Wayne Bank Building
Fort Wayne, IN 46802

Re: Hamstra Economic Development Bond Issue

Dear John:

Thank you for forwarding the items with your letter of November 7, 1980.

We would like you to hold up on submitting the inducement resolution to City Council on November 25, until we advise at a later date. As you may have read in the paper, County Council voted 3 - 3 with one abstention and one absence, regarding its consent. Therefore, we have to return to County Council, which has no meetings until after the first of the year. We prefer to conclude the matter with County Council before proceeding with City Council, so that no confusion develops regarding the status of the matter before County Council.

If you have already introduced, or made arrangements to introduce the resolution on the 25th and are thereby prevented from withdrawing the resolution, we would still appreciate it if you would withdraw the resolution from the December 2 Finance Committee Meeting until further notice.

Thank you for your help and cooperation.

Sincerely,

BARRETT, BARRETT & McNAGNY


James M. Prickett

JMP/he

cc: Mr. Gary Trent



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -> Room 122

January 28, 1981

Mr. Charles E. Nelson
6919 Bellefield Drive
Fort Wayne, IN 46815

Dear Mr. Nelson:

At the request of Councilwoman Vivian Schmidt, I am hereby notifying you that Bill No. R-80-11-04 (Hamstar Project) "A Resolution finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$4,670,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana for the purpose of inducing the Applicant, Wilbert & Peggy Hamstar, to proceed with the acquisition, construction and equipping of the Project" will be discussed by Common Council, in Committee Session on Tuesday, February 3, 1981, at 7:00 P.M., in Room 128, Common Council Conference Room, City-County Building.

If further information is needed contact Councilwoman Vivian Schmidt (744-5234) or the City Clerk's Office (423-7183).

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -- Room 122

January 28, 1981

Mr. David Onwood
President, Maplewood Community Association
6829 Lawnwood Drive
Fort Wayne, IN 46815

Dear Mr. Onwood:

At the request of Councilwoman Vivian Schmidt, I am hereby notifying you that Bill No. R-80-11-04 (Hamstar Project) "A Resolution finding, determining and ratifying an Inducement Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$4,670,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana for the purpose of inducing the Applicant, Wilbert & Peggy Hamstar, to proceed with the acquisition, construction and equipping of the Project" will be discussed by Common Council, in Committee Session on Tuesday, February 3, 1981, at 7:00 P.M., in Room 128, Common Council Conference Room, City-County Building.

If further information is needed contact Councilwoman Vivian Schmidt (744-5234) or the City Clerk's Office (423-7183).

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne

Also notify
Tom Chronister

489-5593

or 437-5851

~~call him~~

300

Stillhorn Plaza Project }

R-80-11-04

Namotra Project }

held in comm. 12/2/80

also notify:

+ David Cawood

+ Chuck Nelson

see
addresses -
on letters

Meeting February 3, 1981

7PM - Please tell them we
asked you to contact them.

TO: City Council Members

RE: EDC Application of property owners of Stellhorn Village Shopping Center

Dear Mrs. Schmidt and Gentlemen of the Council:

You are advised that this letter comes from the officers of Maplewood Terrace and Downs Neighborhood Association, an association composed of 343 households in the northeast part of Fort Wayne, Indiana. We represent the voice of these households.

We understand that you will have before you very soon approval of EDC bonds for the development of the Stellhorn Village Shopping Center, which is located at the intersection of Maplecrest and Stellhorn Roads.

As you may or may not know, our resident association and the Maplewood Park and Bohde Grove resident associations appeared to oppose the rezoning of the property in question for a neighborhood shopping center a couple of years ago as well as appeared on a prior request for commercial zoning at this site which was turned down. The re-zoning was approved and the preliminary development plan for the center was approved in February, 1979.

Therefore, we filed a lawsuit in the Allen Circuit Court which resulted in having the approval of the preliminary development plan set aside. One of the reasons for the setting aside of the decision was the failure of the Plan Commission to address the issue raised by us that the Allen County zoning ordinance provides a neighborhood shopping center shall be designated with the sole intent "of serving the surrounding residential neighborhoods by providing goods and services that meet the day to day needs" and that the economic data provided for the obtaining of the rezoning had projected a market area of virtually the entire northeast portion of Fort Wayne.

While we recognize economic competition is one of the prime considerations of the Council in approving economic development bonds, we feel that the overwhelming objection to the neighborhood shopping center by the surrounding neighborhoods certainly would have an effect on the viability of the Stellhorn Village Shopping Center as a neighborhood shopping center. Linked with this, there has been discussion among the associations of non-patronage if a final plan should go through.

As you may have read in the newspapers another preliminary development plan of the shopping center was recently approved. We are awaiting submission of the final plan before making a decision as to how to proceed legally, as Indiana law now requires the waiting until the final development plan is approved before legal action can be filed to question the decision of approving the plan.

We trust these comments will be helpful in that we can be notified as to when the matter will come up for hearing so that we might appear to address these issues.

Sincerely,

President, Charles E. Nelson

Vice President, Joseph G. Perry

Secretary-Treasurer, K. David Kohli

6829 Lawnwood Drive
Fort Wayne, IN 46815
October 30, 1980

TO: Fort Wayne City Council

Dear Mrs. Schmidt and Gentlemen of the Council:

I write this as president of Maplewood Community Association, which includes four hundred households in Maplewood, Maplewood Park, and Maplewood Gardens.

We understand that you will have before you very soon proposals to consider EDC bonds for the development of a "Stellhorn Village Shopping Center" on Maplecrest Road opposite Northwood Shopping Center and close to Maplewood Shopping Center.

This Association requests that you not approve these bonds.

As you may or may not know, our resident association and the Maplewood Terrace and Downs and Bohde Grove resident associations appeared to oppose the rezoning of the property in question for a neighborhood shopping center a couple of years ago, and also appeared on a prior request for commercial zoning at this site (which was turned down). A rezoning was approved and the preliminary development plan for the center was approved in February, 1979.

Thereafter, we filed a lawsuit in the Allen Circuit Court which resulted in the approval of the preliminary development plan being set aside. One of the reasons for the setting aside of the decision was the failure of the Plan Commission to address the issue raised by us that the Allen County zoning ordinance provides that a neighborhood shopping center shall be designated with the sole intent "of serving the surrounding residential neighborhoods by providing goods and services that meet the day to day needs" and that the economic data provided for the obtaining of the rezoning had projected a market area of virtually the entire northeast portion of Fort Wayne!

While we recognize economic competition may be a consideration of the Council in approving economic development bonds, we feel that the overwhelming objections to the neighborhood shopping center by the surrounding neighborhoods certainly would have an effect on the viability of the Stellhorn Village Shopping Center as a neighborhood shopping center.

In any case, another shopping center will not generate additional wealth in our area. Retail sales, and the provision of such services as are indicated for such a location, do not produce goods nor "exportable" services. The community is in this case being asked to guarantee bonds for a project which is unnecessary, unwanted, and which appears to be in conflict with City Planning opinions on how the area should be developed.

As you no doubt know, another "preliminary development plan" for the shopping center was recently approved. Due to recent developments in Indiana law, we

October 30, 1980

must wait until a final development plan is approved before we can file a legal action to question the approval. As a result, any such plan should for the time being be viewed as tentative, and subject to review and/or redress.

I hope that this information is useful to you, and trust that we shall be informed as to when the matter will be heard, that we might appear to address these issues. (I might add that recent EDC meetings were not well publicized, and even diligent inquiry at the City-County Building failed to produce information about an EDC meeting held less than 48 hours later.)

Sincerely,

A handwritten signature in blue ink that reads "David Onwood". The script is cursive and fluid.

David Onwood
President, Maplewood Community Association

Amended Preliminary Development Plan of Stellhorn Village Shopping Center - Following discussion, Mr. Sweet moved the amended preliminary development plan as originally submitted on July 16, 1980, together with modifications and additions as submitted on August 11, 1980, be approved, incorporating "Findings of Fact and Conclusions," which are attached to and made a part of these minutes. (Attachment "A"). Mr. Spirou seconded the motion and it was carried.

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

BEFORE THE ALLEN COUNTY PLAN COMMISSION

IN THE MATTER OF THE)
)
PRELIMINARY DEVELOPMENT)
)
PLAN OF STELLHORN VILLAGE)
)
SHOPPING CENTER)

FINDINGS OF FACT
AND CONCLUSIONS

The Allen County Plan Commission met on September 24, 1980 at 1:30 p.m. to consider and act upon the preliminary development plan of Stellhorn Village Shopping Center. The following findings of fact and conclusions were entered by the Commission.

Findings of Fact

1. That there has been in force at all times material hereto I.C. 18-7-4-101 et seq. and the Allen County, Indiana Zoning Ordinance No. 8-1960, as amended (hereinafter referred to as "the ordinance").

2. On July 16, 1980, an application for approval of the preliminary development plan of the Stellhorn Village Shopping Center, signed by 100% of the owners of record of the real estate involved, was filed with the Allen County Plan Commission, being Case No. 0-80011; and that accompanying said application was a tracing or reproducible copy of the preliminary development plan, as well as thirty (30) copies of the development plan and legal description of the land on which the shopping center is to be developed.

3. That the real estate involved in said preliminary development plan is located in a "C-2A" (Neighborhood Shopping Center) district.

4. Upon timely receipt of the above submissions, the Commission scheduled the application for hearing for the next regularly scheduled monthly public hearing on August 13, 1980, and gave legal notice and notice to public agencies having probable interest in said plan, of such hearing as required by law and the ordinance.

5. On August 5, 1980, the Commission's staff, by letter to the developer, dated August 5, 1980, set forth certain requirements pursuant to its review of said preliminary development plan, for modifications and additions thereto, which letter is incorporated by reference into these findings.

6. During the period following the initial application on July 16, 1980 and the scheduled public hearing date, the Commission's staff met with representatives of the developer and conducted a pre-application discussion of the plan and staff suggestions, pursuant to the ordinance.

7. On August 11, 1980, the developer filed a revised version of the original preliminary development plan, which met the requirements outlined by the staff in its aforesaid review letter.

8. On August 12, 1980 at 8:30 a.m., the Site Plan and Driveway Sub-Committee of the Urban Transportation Advisory Board met to consider the said development plan, as revised, for purposes of discussing sight obstructions and access onto Maplecrest Road; and that at said meeting the Sub-Committee adopted the following minimum acceptable access geometric requirements:

- (a) a fully actuated traffic signal be required with separate left turn movements;
- (b) if the proposed traffic signal is determined to be warranted, it is to be interconnected with the Stellhorn Road signal modernization;
- (c) the existing roadway is to include two additional lanes of traffic one on the East side and one on the West side, extending South from the proposed entrance and tie into the Stellhorn road improvement project of the State Highway; and
- (d) the developer be responsible for the financing of the recommended major road improvements and signalization.

10. At the hearing, the developer conceded to the determinations, requirements and requests of the Commission staff and recommendations of the Site Plan and Driveway Sub-Committee, both referenced above, and indicated consent to the Commission finding that the plan be amended, altered and changed to meet said determinations, requirements and requests.

11. At said public hearing, identical written remonstrances were filed by certain individuals and certain members of the following

community associations: Maplewood Park, Maplewood Terrace, Maplewood Downs, and Bohde Grove, which remonstrances have previously been made part of the record herein.

12. At said public hearing, the remonstrators, through their counsel of record, advised the Commission that they had not had an opportunity to review the revisions to the original plan, as submitted to the Commission.

13. At the caucus session of the Commission, held on August 27, 1980, the Commission decided to defer action on the plan; that on August 27, 1980, letter notice was delivered to counsel of record for the remonstrators advising him that a continued public hearing would be held on September 10, 1980 for purposes of allowing the remonstrators ample opportunity to review, and for the Commission to consider, the revisions and modifications to the original plan; and that on August 30, 1980, due notice of said public hearing was published in accordance with the ordinance.

14. The following public and quasi-public agencies have all submitted to the Commission written approvals, subject to certain requirements, which letters of approval are incorporated by reference into these findings:

- (a) Allen County Highway Department, dated August 21, 1980;
- (b) Maplewood Park Utilities, Inc., dated September 10, 1980;
- (c) Allen County Surveyor, dated August 8, 1980 and September 18, 1980; and
- (d) Fort Wayne-Allen County Board of Public Health, dated August 7, 1980 and September 10, 1980.

15. On September 10, 1980, a public hearing was held on the original preliminary development plan, together with the revisions, modifications and additions thereto; and that at said public hearing, identical written remonstrances were filed by certain individuals and certain members of the following community associations: Maplewood Park, Maplewood Terrace, Maplewood Downs and Bohde Grove, which remonstrances have previously been made part of the record herein.

16. The preliminary development plan, as modified, meets the minimum requirements for submission of supporting data, site plan

and supporting maps, as prescribed in Section VII.B of the ordinance.

17. The preliminary development plan, as modified, complies with the requirements for a development of a neighborhood shopping center in a "C-2A" district, as set forth in Section VI.L.2.b of the ordinance in that:

- (a) A major tenant space does not exceed a maximum of 30,000 square feet of gross floor area;
- (b) There are no more than two major tenants;
- (c) There is no single tenant space other than one major tenant, a grocery store, exceeding 20,000 square feet of gross floor area;
- (d) The maximum gross floor area is less than 25% of the net site area; and
- (e) The gross floor area is less than 109,000 square feet.

18. The proposed uses of the identified tenant spaces in the preliminary development plan are all permitted uses under Section VI.L.2.b(1) and (2) of the ordinance for a "C-2A" district.

19. The preliminary development plan, as modified, further provides for

- (a) Acceptable establishment of minimum provisions for building separation, vehicular circulation and parking, compatible site improvements and signage, and other applicable design standards, inasmuch as the same meet with the minimum requirements under Sections VI.L.5 and VII.C of the ordinance.
- (b) Coordination of entrances with existing and planned streets and highways, as acknowledged in the above mentioned letter of approval from the Allen County Highway Department, dated August 21, 1980, facilities to minimize conflicts between the traffic generation which will result from the shopping center and traffic in existing and/or proposed streets and highways, and a distribution of traffic in a manner tending to create conditions favorable to the public health, safety, convenience and harmonious development of the county, inasmuch as the plan is in compliance with Section VI.L.5.a(4) of the ordinance and the 1990 Comprehensive Plan.
- (c) Coordination with an extension of facilities included in the comprehensive plan, as acknowledged by the above mentioned letters of approval from the appropriate sewer, water and storm drainage authorities or lack

of acknowledgement of inability to provide service by the appropriate agencies.

20. Whether or not the real estate involved is an appropriate location for a neighborhood shopping center, or whether such a shopping center is needed at the proposed location, are not issues which must be considered by the Commission since said real estate is zoned as a "C-2A" district, and use of the property would be, and is, governed by the restrictions and limitations imposed under and by the ordinance.

21. There is insufficient evidence in the record to demonstrate that the preliminary development plan of Stellhorn Village Shopping Center is not designed with the sole intent of serving the surrounding residential neighborhoods by providing goods and services that would meet day to day needs, notwithstanding the remonstrances of certain individuals and certain members of some community associations in the areas immediately surrounding the proposed development site.

22. The preliminary development plan of Stellhorn Village Shopping Center filed on July 16, 1980, having been amended, altered and changed in accordance with the staff review letter, dated August 5, 1980, will meet the requirements of the ordinance, provided the developer meets the conditions and limitations set forth in the above mentioned letters of approval from the following public and quasi public agencies:

- (a) Maplewood Park Utilities, Inc., dated September 10, 1980;
- (b) Allen County Surveyor, dated August 8, 1980 and September 18, 1980;
- (c) Fort Wayne-Allen County Board of Public Health, dated August 7, 1980 and September 10, 1980; and
- (d) Allen County Highway Department, dated August 21, 1980.

CONCLUSION

The preliminary development plan of Stellhorn Village Shopping Center filed on July 16, 1980, as amended, altered and

changed in accordance with the above described requirements,
conditions and limitations, be, and the same hereby is, approved.

ALLEN COUNTY PLAN COMMISSION

Robert C. Gossig

Engineer and P. Engineer

William J. Hunt

Richard M. Riedman

Arthur C. Spence

Dated this 24th day of September, 1980

Final Development Plan of Stellhorn Village Shopping Center -
Wilbert Hamstra, developer. Following discussion, Mr. Sweet moved
the Commission approve the Findings of Fact, attached hereto and
made a part of these minutes, and the Final Development Plan,
subject to:

- (1) Submission of information relative to lighting
intensity levels for the pole-mounted parking
lot fixtures;
- (2) Submission of the appropriate dedication documents
for the increased Maplecrest Road right-of-way
width to the Allen County Highway Department;
- (3) Receipt of approval from the Allen County Surveyor's
office relative to storm drainage plans; and
- (4) Installation of the sidewalk along the north side
of the unnamed east/west street concurrent with
the completion of Phase I.

Mr. Sauder seconded the motion and it was carried.

FROM THE DESK OF

JOHN E. HOFFMAN
1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802
A.C. 219 - 423-3331

11/26/80

To / Natka Esheoff
City Clerk's Office
City County Bldg.

Dear Natka -

Please hold up
this Resolution as
requested.

John Hoffman

hold
until further
notice

5059

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Inducement Resolution

R-80-11-04

DEPARTMENT REQUESTING ORDINANCE Economic Development Commission

SYNOPSIS OF ORDINANCE A shopping center office building and bank on a
12 acre site at the northeast intersection of Stellhorn and Maple-
crest Roads in St. Joseph Township, Allen County, Indiana, on
application of Wilbert and Peggy Hamstra.

EFFECT OF PASSAGE The construction of a shopping center office building
and bank creating 233 new jobs with an estimated payroll of approxi-
mately \$2,620,000.00.

EFFECT OF NON-PASSAGE None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None.

James
ASSIGNED TO COMMITTEE (PRESIDENT) _____